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JENKINS & WILSON

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DATE: June 7, 2005

TO: Art Group Unit 1638

FAX NO.: (703) 872-9306

FROM: Arles A. Taylor, Jr. (acy)

RE: Serial No. 09/954,773; Atty Docket No. 1268/2/2

NUMBER OF PAGES TO FOLLOW: 5

If transmission is poor, or if you do not receive all pages, please
call (919) 493-8000 as soon as possible.

COMMENTS:

Attachment: Transmittal Letter (1 page); and
Notice of Appeal (2 pages) in duplicate.

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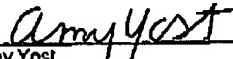
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JENKINS
WILSON
& TAYLOR

patent attorneys

June 7, 2005

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Amy Yost
Date of Signature June 7, 2005

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Re: U.S. Patent Application Serial No. 09/954,773 for
A METHOD OF DETERMINING SOYBEAN SUDDEN
DEATH SYNDROME RESISTANCE IN A SOYBEAN
PLANT
Our Ref. No. 1268/2/2

Sir:

Please find enclosed the following:

1. Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences (2 pages) (in duplicate).

Please contact our offices if there are any questions with respect to this matter.

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Arles A. Taylor, Jr.
Registration No.: 39,395AAT/acy
Enclosures
Customer No: 25297

JUN 07 2005

Practitioner's Docket No. 1268/2/2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David A. Lightfoot et al.

Application No.: 09/954,773

Group No.: 1638

Filed: September 18, 2001

Examiner: Kruse, David H.

For: A METHOD OF DETERMINING SOYBEAN SUDDEN DEATH SYNDROME RESISTANCE
IN A SOYBEAN PLANT

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed December 15, 2004, finally rejecting claims 38-44.

1. STATUS OF APPLICANT

This application is on behalf of a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.Date: 6/7/2005Signature Amy Yost

Amy Yost

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2

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02 FC:2253

JUN 07 2005

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Appeal Brief is:

Small entity \$250.00

Notice of Appeal fee due \$250.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for three months:

Fee \$510.00

If an additional extension of time is required, please consider this a petition therefor.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$250.00

Extension fee \$510.00

TOTAL FEE DUE \$760.00

5. FEE PAYMENT

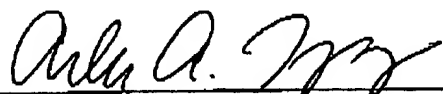
Authorization is hereby made to charge the amount of \$760.00 to Deposit Account No. 50-0426.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

Date:

06/07/2005


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Notice of Appeal from the Primary Examiner to Board—page 2 of 2